UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,149	01/17/2001	Ariel Peled	01/21745	3710

7590 02/28/2006

Martin D. Moynihan
PRTSI, Inc.
P.O. Box 16446
Arlington, VA 22215

EXAMINER	
ZIA, SYED	

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/761,149	PELED ET AL.	
	Examiner	Art Unit	
	Syed Zia	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,4,7-11,14-17,19,20,23-27 and 30-32* is/are rejected.

7)☒ Claim(s) *2,5,6,12,13,18,21,22,28 and 29* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This office action is in response to amendment filed on November 21, 2005. Original application contained Claims 1-32. Currently no claim amended was filed. Applicant amendment filed on November 21, 2005 has been entered and made of record. Therefore, presently pending claims are 1-32.

Allowable Subject Matter

Claims 2, 5-6, 12-13, 18, 21-22, and 28-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Objection

Amendment filed on November 21, 2005 overcomes the specification objection; therefore previous objection has been with drawn.

Response to Arguments

Applicant's arguments filed November 21, 2005 have been fully considered but they are not persuasive because of the following reasons:

Regarding Claims 1, 11, 17, and 27 applicants argued that the system of cited prior art (CPA) [Yeung et al. US (6,668,246) and Yamamoto et al US (6,259,506)] does

not teach " *dividing data into two portions and watermarking only one of the two portions*".

This is not found persuasive. The system of cited prior art teaches and describes digital content distribution system that has several content protection mechanisms that perform visual perceptual and data sampling of content, so that quality of content is degraded to level inferior to original quality of content. The embedded information is extracted by using an appropriate electronic watermark method according to the acquired electronic watermark information, and thereby the delivered data in which the embedded information is embedded by using a predetermined electronic watermark method is recorded on a recording medium. In the system of cited prior art content and privacy protection are achieved by placing the content protection mechanism of server platform and client platform within a single platform.

Therefore, the examiner asserts that the system of prior art teaches system and method digital content distribution system.

Applicants have failed to explicitly identify specific claim limitations, which would define a patentable distinction over prior arts. The examiner is not trying to interpret the invention but is merely trying to interpret the claim language in its broadest and reasonable meaning. The examiner will not interpret to read narrowly the claim language to read exactly from the specification, but will interpret the claim language in the broadest reasonable interpretation in view of the specification. Therefore, the examiner asserts that the system of cited prior arts does teach or suggest the subject matter broadly recited in independent Claims, and in subsequent dependent Claims. Accordingly, rejections for claims 1, 3-4, 7-11, 14-17, 19-20, 23-27, and 30-32 are respectfully maintained.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3-4, 7-11, 14-17, 19-20, 23-27, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeung et al. US (6,668,246) in view of Yamamoto et al US (6,259,506).

Regarding claims 1 & 17: Yeung discloses a method for secure distribution of digital content, the method comprising the steps of: Dividing a unit of digital content into at least first and second portions (Col 3, lines 60-64); storing said first portion on a first computerized apparatus (Col 7, lines 12-21); but he doesn't disclose digitally watermarking second portion and storing the second content on a second computerized apparatus. However Yamamoto discloses a digital media processing system (Col 7, lines 57-67) where he teaches dividing the data content into at least tow portions (Col 18, lines 58-65 & FIG. 2) and digitally watermarking the second portion of the content (Col 19, lines 19-29 & Col 21, lines 4-17) before recombining the content to play it. Therefor it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify Yeung system with the teachings of Yamamoto to digitally watermark the second portion of the content before recombining the content again. One would be motivated to do

Application/Control Number: 09/761,149
Page 4
Art Unit: 2136

so in order to reduce the size of the content that needs to be watermarked by the system, which ultimately speeds the system processing time. Combining said first portion and said digitally watermarked second portion: thereby forming a watermarked version of said digital content (Col 7,lines 35-43)

Regarding claims 3 & 19:Yeung doesn't explicitly discloses the dividing step comprises dividing said digital content into at least first and second portions, wherein said first portion is larger than said second portion. However Yamamoto discloses a digital media processing system (Col 7, lines 57-67) where he teaches dividing the data content into at least tow portions (Col 18, lines 58-65 & FIG. 2) wherein the second portion is smaller than the first portion (Col 19, lines 19-38/ a fixed size portion and a variable portion) before recombining the content to play it. Therefor it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify Yeung system with the teachings of Yamamoto to make the second portion of the content smaller before watermarking the content. One would be motivated to do so in order to reduce the size of the content that needs to be watermarked by the system, which ultimately speeds the system processing time.

Regarding to claims 4 & 20:Yeung discloses the method according to claim 1 wherein said dividing step comprises dividing said digital content such that a qualitative measure of either of said first and second portions is degraded relative to a corresponding qualitative measure of said digital content (Col 6, lines 21-32).

Regarding claims 7 & 23: Yeung discloses the method according to claim I wherein said digitally watermarking step comprises uniquely watermarking the entire content but doesn't disclose the watermarking just for the second portion of the content. However Yamamoto discloses a digital media processing system (Col 7, lines 57-67) where he teaches dividing the data content into at least tow portions (Col 18, lines 58-65 & FIG. 2) and digitally watermarking the second portion of the content (Col 19, lines 19-29 & Col 21, lines 4-17) before recombining the content to play it. Therefor it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify Yeung system with the teachings of Yamamoto to digitally watermark the second portion of the content before recombining the content again. One would be motivated to do so in order to reduce the size of the content that needs to be watermarked by the system, which ultimately speeds the system processing time.

Regarding claims 8, 14, 24 & 30: Yeung discloses the method according to claim 1 and further comprising the steps of: receiving a request from a requestor for said digital content (Col 4, lines 21-38); and sending said watermarked version of said digital content to said requestor (Col 5, lines 48-65).

Regarding claims 9, 15, 25 & 31: Yeung discloses the method according to claim 1 wherein said combining step comprises combining at either of said computerized apparatus. (Col 7, lines 35-43)

Regarding claims 10,16, 26 & 32: Yeung discloses the method according to claim 1 wherein said combining step comprises sending said portions to a third computerized apparatus and

combining at said third computerized apparatus(Col 9, lines 23-31).

Regarding claims 11 & 27: Yeung discloses a method for secure distribution of digital content (See Abstract), the method comprising the steps of:
dividing a unit of digital content into at least first and second portions (Co/ 3, lines 60-64) but he doesn't disclose the first portion is larger than said second portion. However Yamamoto discloses a digital media processing system (Col 7, lines 57-67) where he teaches dividing the data content into at least tow portions (Col 18, lines 58-65 & FIG. 2) wherein the second portion is smaller than the first portion (Col 19, lines 19-38) before recombining the content to play it. Therefor it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify Yeung system with the teachings of Yamamoto to make the second portion of the content smaller before watermarking the content. One would be motivated to do so in order to reduce the size of the content that needs to be watermarked by the system, which ultimately speeds the system processing time.

Yeung discloses wherein said dividing step comprises either of:
dividing said digital content such that a qualitative measure of either of said first and second portions is degraded relative to a corresponding qualitative measure of said digital content (Col 6, lines 21-32), and dividing said digital' content such that either of said first and second portions are individually inoperable (Col 4, lines 13-20); storing said first portion on a first computerized apparatus (Col 7, lines 12-21); storing said second portion on a second computerized apparatus (Col 5, lines 5-15); and combining said first portion and said second portion, thereby recreating said digital content (Col 7,lines 35-43).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SZ
February 12, 2006